

REMARKS

Claims 1-16 are pending in the present application. By this response with arguments below, reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 103(a), Alleged Obviousness for Claims 1-2, 4-6, 8-11, 13-16

The Office Action rejects claims 1-2, 4-6, 8-11, 13-16 under 35 U.S.C. § 103(a) as being unpatentable over Goetz et al. (U.S. Patent Number 5,928,330) in view of Slaughter et al. (U.S. Patent Number 6,202,147 B1). This rejection is respectfully traversed.

As to independent claim 1, the Office Action states:

Regarding claim 1, Goetz taught a method for a distributed audio server (abstract), the method comprising the computer implemented steps of:

Generating audio data and graphic data in a platform-independent application (column 9, line 31-35, column 11, lines 2-8);

Sending the graphic data to a display server on a client machine specified by a display environment variable (column 12, lines 27-34, column 1, lines 61-65); and

Sending the audio data to an audio server on the client machine specified by an audio environment variable or an audio command line parameter (column 12, lines 27-34, column 1, lines 61-65).

Goetz does not specifically teach the audio server is a platform-independent audio server. However, Slaughter taught a platform-independent device server (column 3, line 66 – column 4, line 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Slaughter's platform independent device server in Goetz's distributed multimedia system would have improved system effectiveness. The motivation would have been to provide even greater support for the diverse capabilities associated with the different available platforms.

Office Action dated July 29, 2003, pages 2-3.

Independent claim 1, which is representative of other rejected claim 14 with respect to similarly recited subject matter, reads as follows:

1. A method for a distributed audio server, the method comprising the computer-implemented steps of:

generating audio data and graphic data in a platform-independent application;
sending the graphic data to a display server on a client machine specified by a display environment variable; and
sending the audio data to a platform-independent audio server on the client machine specified by an audio environment variable or by an audio command line parameter. (emphasis added)

Applicant respectfully submits that neither Goetz nor Slaughter teaches or suggests the features emphasized above. Goetz teaches a method of presenting multimedia information on a presentation device. The system of Goetz assigns an importance value to each unit of multimedia information, which is indicative of the quality of presentation, and gathers performance capability of the system. The characterized performance capability is analyzed to infer network conditions. Thus, the server may stream at a streaming rate to adapt to the importance of the information and inferred network conditions from the analysis. However, Goetz does not teach sending the graphic data to a display server on a client machine specified by a display environment variable, and sending the audio data to a platform-independent audio server on the client machine specified by an audio environment variable or by an audio command line parameter.

The Office Action alleges that these features are taught in column 12, lines 27-34 and column 1, lines 61-65 of Goetz which read as follows:

After streaming a time-sliced's worth of the packets in step 1220, the logic proceeds to step 1230 where the logic request to go to sleep, or go idle, for a time quanta corresponding to the streaming rate. For example, if the logic is streaming audio to correspond to 960 ms slices of presentation, step 1220 will stream 960 ms worth of information, and step 1230 will request to go to sleep until it is time to stream another 960 ms worth of information.

(Column 12, lines 27-34)

To provide intelligent audio-video clips, the video data must be provided to a video driver and audio data must be provided to a sound card driver within specified timing tolerances to maintain intra- and inter-stream synchronism.

(Column 1, lines 61-65)

None of the above sections teaches or suggests features recited in claim 1. Goetz only teaches streaming logic necessary to continue streaming data by a time-slice's worth of packets. The logic then requests to go to sleep, go idle or, for a time quanta. There is nothing in the above sections that teaches a display environment variable for sending graphic data, an audio environment variable nor an audio command line parameter for sending audio data as recited in claim 1.

While Goetz teaches a streaming logic to stream audio data, the logic is not the same as an audio environment variable of the presently claimed invention. The logic of Goetz determines different states of streaming audio data, which include sleep, idle, and a specific time quanta. The logic of Goetz does not specify audio environment variable. Thus, Goetz does not teach or suggest above features of claim 1.

Slaughter, likewise, does not teach or suggest these features. The Office Action cites Slaughter as allegedly teaching a platform independent device server. The Office Action then alleges that it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Slaughter's platform independent device server in Goetz's distributed multimedia system and would have improved system effectiveness. Since Goetz's system does not teach sending graphic data specified by a display environment variable, and sending the audio data specified by an audio environment variable or by an audio command line parameter, and Slaughter also does not teach or suggest this feature, even if a person of ordinary skill in the art were somehow motivated and could modify Goetz's system to include a platform independent device server, the result would not be the invention with features as recited in claim 1. That is, even if Goetz were combinable with the device server of Slaughter, the result of such a combination would be a platform-independent device server that streams audio and graphic data according to an adapted streaming rate based on inferred network conditions and importance of the information. The alleged combination of references still would not teach or suggest the features of sending graphic data to a display server on a client machine specified by a display environment variable, and sending the audio data to a platform-independent audio server on the client machine specified by an audio environment variable or by an audio command line parameter.

Moreover, Applicant respectfully submits that there is not teaching or suggestion in either of Goetz or Slaughter to make the combination alleged by the Office Action. That is, Goetz does not acknowledge any problem for which the device driver of Slaughter is a solution and Slaughter does not acknowledge any problem for which the system of Goetz would be the solution. The only suggestion to make the combination alleged by the Office Action originates in a prior knowledge of Applicant's claimed invention and the clear motive to recreate the claimed invention having first had benefit of Applicant's disclosure. That is, presented only with Goetz and Slaughter, one of ordinary skill in the art would not have been motivated to combine the two references and modify the resulting combination in the specific manner necessary to arrive at the claimed invention. One of ordinary skill in the art would need to first have knowledge of Applicant's claimed invention and the sole intent to recreate Applicants' invention having first been apprised of its features.

In view of the above, Applicant respectfully submits that neither Goetz nor Slaughter, either alone or in combination, teaches or suggests each and every features of independent claims 1 and 14. At least by virtue of their dependency on claims 1 and 14, respectively, neither reference, either alone or in combination teaches or suggests, the features of dependent claims 2, 15, and 16. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1-2, 14-16 under 35 U.S.C. § 103(a).

As to independent claim 4, the Office Actions states:

Regarding claim 4, Goetz taught a method of a distributed audio server (abstract), the method comprising computer-implemented steps of:

Generating audio data in platform-independent application (column 9, line 31-35, column 11, lines 2-8);

In response to receiving audio data at an audio driver, determining whether and audio environment variable is defined or an audio command line parameter is defined (column 12, lines 27-34, column 1, lines 61-65); and

If an audio environment variable or an audio command line parameter is defined, sending the audio data to an audio server on a client machine specified by the audio environment variable or by the audio command line parameter (column 12, lines 27-34, column 1, lines 61-65). For motivation for combination see claim 1, above.

Office Action dated July 29, 2003, pages 3-4.

Independent claim 4, which is representative of other rejected claim 9

with respect to similarly recited subject matter, reads as follows:

4. A method for a distributed audio server, the method comprising the computer-implemented steps of:
 - generating audio data in a platform-independent application;
 - in response to receiving the audio data at an audio driver, determining whether an audio environment variable or an audio command line parameter is defined; and
 - if an audio environment variable or an audio command line parameter is defined, sending the audio data to a platform-independent audio server on a client machine specified by the audio environment variable or by the audio command line parameter. (emphasis added)

The column 12, lines 27-34 and column 1, lines 61-65 of Goetz, which have been reproduced above. Thus, for the same reasons as stated above, neither Goetz nor Slaughter teach or suggest these features. Goetz only teach synchronism must be maintained between the audio and video data provided by the sound card and video driver. Goetz does not teach any determination whether an audio environment variable or an audio command line parameter is defined. In addition, Goetz also does not teach sending audio data to a platform-independent audio server specified by the audio environment variable or the audio command line parameter. Moreover, Slaughter does not teach or suggest these features either.

Therefore, neither Goetz nor Slaughter, either alone or in combination, teaches or suggests each and features recited in independent claim 4. Thus, in view of the above, Applicant respectfully submits that neither Goetz nor Slaughter, either alone or in combination, teaches or suggests each and every features of independent claim 4 and 9. At least by virtue of their dependency on claims 4 and 9, respectively, neither reference, either alone or in combination teaches or suggests, the features of dependent claims 5, 6, 8, 10 and 11. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 4-6, 8-11 under 35 U.S.C. § 103(a).

Furthermore, neither Goetz nor Slaughter, either alone or in combination, teaches specific features of dependent claims 4-6, 8-11. For example, as to dependent claim 5, neither Goetz nor Slaughter, either alone or in combination, teach or suggest sending the graphic data to a display server on the client machine

specified by a display environment variable. The Office Action again alleges that these features are taught at column 12, lines 27-34 and column 1, lines 61-65 of Goetz which has been addressed above. These sections of Goetz do not teach or suggest any display environment variable that is specified for sending graphic data. Goetz only teaches a logic used to stream video and audio data, not a display environment variable.

Therefore, in addition to their dependency on independent claims 4 and 9, neither Goetz nor Slaughter, either alone or in combination, teaches each and every feature as recited in claim 5, 6, 8, 10 and 11. Thus, Applicant respectfully requests withdrawal of dependent claims 4-6, 8-11 under 35 U.S.C. § 103(a).

II. 35 U.S.C. § 103(a), Alleged Obviousness for Claims 3, 7, 12 and 16

The Office Action rejects claims 3, 7, 12 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Goetz et al. (U.S. Patent Number 5,928,330) in view of Slaughter et al. (U.S. Patent Number 6,202,147 B1), and further in view of Semenzato (U.S. Patent Number 5,903,728). This rejection is respectfully traversed.

As to dependent claim 3, the Office Action states:

Regarding dependent claim 3, Goetz does not specifically teach the display server is an X Windows display server. However, Semenzato taught the display server is an X Windows display server (column 8, lines 56-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made that substituting Semenzato's X Windows display server for Goetz's display server would have been an equivalent substitution. The motivation would have been because X Windows is one many different environments which could implement a distributed multimedia system.

Office Action dated July 29, 2003, pages 6.

Dependent claim 3, which is representative of claims 7, 12 and 16 with regards to similar subject matter, reads as follows:

3. The method of claim 1, wherein the display server is an X Windows display server.

The Office Action alleges that the features of claims 3, 7, 12 and 16 are taught by Semenzato at column 8, lines 56-65, which reads as follows:

Windows are known but are described briefly for completeness. A window resembles a partitioned portion of a computer display and is a virtual display to which an individual computer process has exclusive access, i.e., in which the computer process can display graphical data without interference from other computer processes. In some windows-based environments, such as X Windows operating environment of the UNIX operating system, have a window hierarchy in which each window is a sub-window of another window.

Neither the above section nor any other section of Semenzato teaches or suggests any display server contrary to the allegations made by the Office Action. The above section only teaches a graphical window of a computer display in which the computer displays graphic data. Semenzato does not teach an X Windows display server, Semenzato only teaches X Windows as an example of an operating environment where windows may be implemented. In addition, Semenzato only teaches X Windows as an operating environment where graphic data may be displayed, as opposed to the presently claimed invention, X Windows server directs graphic data to the display. Therefore, it would not be obvious to a person of ordinary skill in the art at the time the invention was made to substitute Semenzato's X Windows display server for Goetz's display server since Semenzato does not even teach a display server, Semenzato only teaches a window hierarchy running on X Windows.

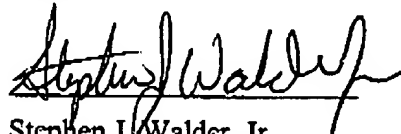
Thus, in view of the above, Applicant respectfully submits that neither Goetz, Slaughter nor Semenzato, either alone or in combination, teaches or suggests each and every feature of dependent claim 3. Since dependent claims 7, 12 and 16 are rejected on the same rationale as claim 3, neither Goetz, Slaughter nor Semenzato teaches or suggests each and every feature of claims 7, 12 and 16. Therefore, Applicant respectfully requests withdrawal of dependent claims 4-6, 8-11 under 35 U.S.C. § 103(a).

III. Conclusion

It is respectfully urged that the subject application is patentable over Goetz et al. (U.S. Patent Number 5,928,330) in view of Slaughter et al. (U.S. Patent Number 6,202,147 B1) and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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